

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

RUSSELL DOVER, HENRY HORSEY,
CODY RANK, and SUZETTE PERRY, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

-vs.-

BRITISH AIRWAYS, PLC (UK),

Defendant.

Case No. 1:12-cv-05567 (RJD) (CLP)

**UNOPPOSED MOTION TO ADOPT REPORT
& RECOMMENDATION AND ORDER THE
CASE CLOSED.**

Plaintiffs respectfully ask the Court to adopt Magistrate Judge Pollak's October 9, 2018 Report & Recommendation ("R&R") approving settlement of this matter. (Dkt. 321.)

No one objected to the R&R during the objection period, and the deadline to make such objections has now passed. *See Fed. R. Civ. P. 72(b)(2); cf. Caidor v. Onondaga Cty.*, 517 F.3d 601, 604 (2d Cir. 2008) ("[F]ailure to object timely to a magistrate's report operates as a waiver of any further judicial review of the magistrate's decision."). Accordingly, the Court reviews the R&R only for "clear error." *See, e.g., Dafeng Hengwei Textile Co. v. Aceco Indus. & Commercial Corp.*, 54 F. Supp. 3d 279, 283 (E.D.N.Y. 2014). The Magistrate Judge's Report was written carefully and benefited significantly from Judge Pollak's work directly with the parties for months to resolve this heavily-litigated case. It does not contain error, particularly not "clear error."

Plaintiffs ask the Court to adopt the R&R and order this case closed, which will allow Plaintiffs and the Class Members to receive their Settlement compensation. Defendants do not oppose this motion.

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

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BROOKLYN OFFICE

Dated: October 24, 2018

Respectfully submitted,

/s/ David S. Stellings

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IT IS SO ORDERED.

DATED: 10/25/, 2018

s/ RJD

Raymond J. Dearie
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2018, service of this document was accomplished via the Court's electronic filing system and that Defendant British Airways has consented to service in this manner.



Jason L. Lichtman